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 KERNAN CONSTRUCTION CO.,
 BEDROCK INVESTMENTS LLC,
 SCOTT FARLEY and KURT KERNEN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIANS FOR ALTERNATIVES TO
 TOXICS,

Plaintiff,

v.

KERNEN CONSTRUCTION CO.;
 BEDROCK INVESTMENTS LLC; SCOTT
 FARLEY; and KURT KERNEN,

Defendants.

Case No. 4:24-cv-04067-YGR

DEFENDANT'S REPLY RE: JUDICIAL
 NOTICE.

Date: November 13, 2024

Time: 2:00 p.m.

Courtroom: 1, 4th Floor

Oakland Courthouse

1301 Clay Street

Oakland, CA 94612

Judge: Honorable Yvonne Gonzalez Rogers

Trial Date: TBD

Action Filed: July 5, 2024

Exhibits A-E are clearly judicially noticeable as quasi-judicial actions by a state agency. Exhibits A-E are also public records and the fact that they are public records is not subject to reasonable dispute and thus may be properly judicially noticed. The court should find these documents are judicially noticeable as both public records or quasi-judicial documents and grant the request for judicial notice. *See Waterkeeper v. SSA Terminals, LLC*, 702 F. Supp. 3d 903, 916 citing Cal. Sportfishing Protection All., 205 F. Supp. 3d at 1136 (taking judicial notice of NDPES General Permit as quasi-judicial document); Coastal Env't Rts. Found., 2017 U.S. Dist. LEXIS 202649, 2017 WL 6270395, at *3 n.5 (taking judicial notice of defendant's "sampling data, response report, and Pollution Prevention Plan" because those documents were "filed with the State Water Board as public records"). Moreover, the FAC heavily relies upon Exhibits A-E

1 even citing sections of each of them in the FAC, so they are relevant for the Court's
2 determination of the Motion to Dismiss, the Opposition and Reply.

3 DATED: October 28, 2024

Respectfully submitted,

4 HARLAND LAW FIRM LLP

5 /s/ Allison G. Jackson
6 Allison G. Jackson

7 Attorneys for Defendants
8 KERNAN CONSTRUCTION CO.,
9 BEDROCK INVESTMENTS LLC,
10 SCOTT FARLEY and KURT KERNEN
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